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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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David William James Holmes

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10/20/2004

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EXAMINER

GAUTHIER, GERALD

ART UNIT

PAPER NUMBER

2645

DATE MAILED: 10/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/972,572

Applicant(s)

HOLMES, DAVID WILLIAM JAMES

Examiner

Gerald Gauthier

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Objections

1. **Claim 12** is objected to because of the following informalities: line 5 "during normal reception" is indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. Correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1, 8, 11 and 21** are rejected under 35 U.S.C. 102(e) as being anticipated by Kitchings (US 2003/0190020).

Regarding **claims 1 and 21**, Kitchings discloses a method for automatically connecting to electronic addresses received in spoken communications (§ 0001), comprising:

receiving at least one telephone call from a caller, wherein the at least one telephone call includes voiced address information, wherein the voiced address information corresponds to at least one electronic address (§ 0017) [The user 202 is

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engaged into a telephone conversation with a friend 201 who wants to give the user 202 a phone number];

identifying the voiced address information, wherein the identifying is performed without first actively soliciting the caller for the at least one electronic address, and without need for querying a database for the at least one electronic address previously existing within the database (§ 0017) [The phone records the conversation upon the user 202 pressing a recorded button];

automatically extracting the identified voiced address information based on the identified voiced address information (§ 0017) [The phone extracts the number from the recorded portion of the conversion and converted the portion into numerals after the user stops the recording of the conversation];

receiving user input (§ 0017) [The user 202 select a speed dial button for storage of the telephone number]; and

after receiving the user input, automatically coupling to at least one electronic address associated with the voiced address information based in part on the automatically extracted and identified voiced address information (§ 0017 and § 0019) [The system stores the telephone number associated with the speed dial button for the user to dial and wait for the next time the user 202 will press the record button].

Regarding **claim 8**, Kitchings discloses receiving at least one command from a user, wherein the at least one command is of a type selected from among spoken commands and manual input commands (§ 0017).

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Regarding **claim 11**, Kitchings discloses the at least one electronic address is associated with at least one device selected from among personal computers, processor-based devices, wired telephones, wireless telephones, wired radiotelephones, wireless radiotelephones, internet telephones, cellular telephones, pagers, personal digital assistants, personal communication devices, electronic mail devices, telematic systems, and informatics systems (§ 0017).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 2-5 and 10** rejected under 35 U.S.C. 103(a) as being unpatentable over Kitchings in view of Miner et al. (US 5,652,789).

Regarding **claim 2**, Kitchings as applied to claim 1 differs from claim 2, in that it fails to disclose one voice mail message.

However, Miner teaches storing the at least one telephone call as at least one voice mail message (column 39, lines 48-54);

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retrieving and playing the at least one voice mail message (column 11, lines 22-36);

scanning the at least one voice mail message for the voiced address information (column 33, lines 29-48);

identifying at least one portion of the at least one voice mail message that includes the voiced address information (column 33, lines 29-48); and

re-playing the identified at least one portion to verify in the at least one portion accuracy of address information for the electronic address (column 34, lines 1-7).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Kitchings using the voice mail message as taught by Miner.

This modification would offer the capability of identifying the spoken number in the voicemail message so that the user would call back the sender.

Regarding **claim 3**, Miner teaches generating an electronic message including the extracted voiced address information (column 33, lines 29-48);

forwarding the electronic message among at least one location pre-specified by a user (column 33, lines 29-48); and

extracting the voiced address information from the electronic message following receipt at the at least one location (column 39, lines 48-54).

Regarding **claim 4**, Kitchings discloses the at least one location includes a telephone, wherein at least one operation can be performed on the address information including editing and storing (§ 0017).

Regarding **claim 5**, Miner teaches the at least one location includes at least one call switch, wherein a first electronic connection is terminated in order to establish the coupling (column 42, lines 43-60).

Regarding **claim 7**, Miner teaches configuring the retrieving and scanning using a configuration selected from among at least one automatic and at least one manual configuration (column 39, lines 48-54);

wherein the at least one automatic configuration automatically retrieves and scans the at least one voice mail message (column 39, lines 48-54);

wherein the at least one manual configuration retrieves and scans the at least one voice mail message upon receipt of at least one corresponding user command (column 39, lines 48-54).

Regarding **claim 10**, Miner teaches coupling comprises connecting a called party with two or more other parties during a telephone call using the at least one electronic address, wherein a conference call is established (column 24, lines 22-29).

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6. **Claim 6** is rejected under 35 U.S.C. 103(a) as being unpatentable over Kitchings in view of Miner and in further view of Rochkind (US 5,848,130).

Regarding **claim 6**, Kitchings and Miner as applied to **claim 3** differ from **claim 6**, in that it fails to disclose posting to at least one web page.

However, Rochkind teaches the at least one location includes at least one server, wherein at least one operation can be performed on the address information including editing, loading into at least one directory, and posting to at least one web page (column 2, lines 42-59).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use posting to at least one web page of Rochkind in the invention of Miner.

The modification of the invention would offer the capability of posting to at least one web page such as the system would convert speech data into text message.

7. **Claims 9, 12, 19 and 22** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kitchings in view of Agraharam et al. (US 2004/0062365).

Regarding **claims 12, 19 and 22**, Kitchings discloses all the limitation of **claims 12 and 19** as stated in **claim 1** rejection but fails to disclose the contact to be either email addresses or a Uniform Resource Identifiers.

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However, Agraharam teaches either email addresses or a Uniform Resource Identifiers (§ 0014) [The network prompts the calling party to input the intended recipient's e-mail address to forward the message].

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Kitchings using the email address as taught by Agraharam.

This modification would offer the capability of either email address so that the user would have the email address save in the phone memory.

Regarding **claim 9**, Agraharam teaches the electronic address types further include electronic mail addresses and Uniform Resource Identifiers (§ 0014) [The network prompts the calling party to input the intended recipient's e-mail address to forward the message].

8. **Claims 13-14 and 16-17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Miner in view of Kitchings.

Regarding **claim 13**, Miner discloses a communications system (column 1, lines 5-8), comprising:

at least one network (104 on FIG. 5) coupled among components including:

at least one portable communications device (116 on FIG. 5);

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at least one routing system (90 on FIG. 5);

at least one voice message system (206 on FIG. 11); and

at least one recognition and connection system (100 on FIG. 5);

wherein the components support voice recognition analysis on live calls and recorded information (column 40, lines 35-43) [The subscriber's response is recognized by the voice recognition capabilities of the ASR card];

wherein the voice recognition analysis includes: analyzing at least one voice stream, identifying spoken address information of the at least one voice stream (column 39, lines 48-54), wherein the spoken address information includes at least one electronic address selected from electronic address types including telephone numbers (column 39, lines 48-54), wherein the identifying is performed without first actively soliciting the caller for the at least one electronic address, and without need for querying a database for the at least one electronic address previously existing within the database, automatically recognizing and extracting the identified address information (column 39, lines 48-54), transferring the extracted address information to at least one pre-specified location (column 39, lines 48-54), automatically connecting users to the at least one electronic address using the extracted address information in response to a command (column 42, lines 43-60) [The electronic assistant uses the contact message to dial the number and establishes the connection between the subscriber and the outgoing call line].

Miner discloses identifying the address information but fails to disclose the identify being done without first actively soliciting the caller for the at least one electronic

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address, and without need for querying a database for the at least one electronic address previously existing within the database.

However, Kitchings teaches a system that identifies the address number without first actively soliciting the caller for the at least one electronic address, and without need for querying a database for the at least one electronic address previously existing within the database (§ 0017).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Miner using the system of voice recognition as taught by Kitchings.

This modification would offer the capability of identifying the spoken number without prompting the user for more information so that the system would record the number in its memory automatically.

Regarding **claim 14**, Miner teaches all the limitations as stated in **claim 7** rejection.

Regarding **claim 16**, Miner and Kitchings disclose all the limitations of **claim 16** as stated in **claims 1 and 13**.

Regarding **claim 17**, Kitchings teaches the analysis is either real-time analysis of telephone calls or post analysis of voice mail messages (§ 0017).

9. **Claims 15 and 18** are rejected under 35 U.S.C. 103(a) as being unpatentable over Miner in view of Kitchings and in further view of Hünlich et al. (US 6,553,024).

Regarding **claims 15 and 18**, Miner and Kitchings as applied to **claims 13 and 16** differ from **claims 15 and 18** in that it fails to disclose using at least one short message transfer type.

However, Hünlich teaches transferring includes using at least one short message transfer type selected from among short message services and alphanumeric paging services (column 7, lines 25-38).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use using at least one short message transfer type of Hünlich in the invention of Miner.

The modification of the invention would offer the capability of using at least one short message transfer type such as the system would convert speech data into text message.

10. **Claim 20** is rejected under 35 U.S.C. 103(a) as being unpatentable over Kitchings in view of Agraharam and in further view of Hünlich.

Regarding **claim 20**, Kitchings and Agraharam as applied to **claim 19** differ from **claim 20** in that it fails to disclose using at least one short message transfer type.

However, Hünlich teaches transferring includes using at least one short message transfer type selected from among short message services and alphanumeric paging services (column 7, lines 25-38).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use using at least one short message transfer type of Hünlich in the invention of Kitchings.

The modification of the invention would offer the capability of using at least one short message transfer type such as the system would convert speech data into text message.

Response to Arguments

11. Applicant's arguments with respect to **claims 1-22** have been considered but are moot in view of the new ground(s) of rejection.

Response to Amendment

12. The reply filed on July 7, 2004 is not fully responsive to the prior Office Action because: The objection of **claim 12** has not being addressed Since the period for reply set forth in the prior Office action has expired, this application will become abandoned

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unless applicant corrects the deficiency and obtains an extension of time under 37 CFR 1.136(a).

The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. In no case may an applicant reply outside the SIX (6) MONTH statutory period or obtain an extension for more than FIVE (5) MONTHS beyond the date for reply set forth in an Office action. A fully responsive reply must be timely filed to avoid abandonment of this application.

Conclusion

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (703) 305-0981. The examiner can normally be reached on 8:00 AM to 4:30 PM.

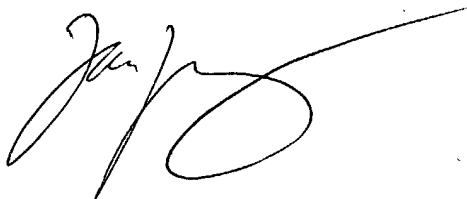
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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GERALD GAUTHIER
PATENT EXAMINER

g.g.
October 8, 2004

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

A handwritten signature in black ink, appearing to be 'Fan Tsang', written over the printed name and title.